IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 138 OF 2004

Miss Ranjana d/o Suryakant Walvekar ..Appellant.

Versus

Smt.Sumit Vyankatesh Rajopadhye
since deceased through his LRs-
1A.Ms. Lalita Sushil Rajopadhye & Ors. ..Respondents.

Shri Nitin Deshpande for the Appellant.

CORAM : D. G. DESHPANDE,J.

DATE : 22nd JUNE, 2005

P.C. :

. Heard Advocate for the Appellant. The appellant filed the suit, challenging the alienation made by her father. Those alienations were made by her father while the appellant was minor. The challenge was on the ground that a fraud played upon her father by the defendants. Such a case, if pleaded, is very difficult to prove because the entire burden comes upon the plaintiff. Admittedly, the plaintiff could not discharge the burden. Prior to the sale deed the appellant has received consideration from time to time. She executed the sale deed and then challenged it on

the ground of fraud. The entire burden of all the issues was upon the plaintiff. She has failed to discharge the same. Therefore, the court was justified in dismissing the suit. No interference is called for. Appeal is dismissed.

22.06.2005 (D.G. DESHPANDE,J.)

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